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August 5, 2016

Hon. Katherine Polk Failla
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

USDC SDNY
DOCUMENT
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DATE FILED: August 5, 2016

MEMO ENDORSED


Re: Securities and Exchange Commission v. Gordon Johnston,
Civil Action No. 16 civ 4512

Dear Judge Failla:

This firm represents defendant Gordon Johnston. We are in settlement negotiations with plaintiff Securities and Exchange Commission about a potential consent judgment that would resolve the pending action. While the Commission must approve any such order, and has not been presented with a proposed judgment yet, we do not anticipate litigating the case. Accordingly, we request that we be excused from the status conference scheduled for August 11, 2016 at 11:00am.

Thank you for your consideration.

Very truly yours,


Stuart A. Berman
Bar No. SB7146

Application GRANTED.

SO ORDERED.



Dated: August 5, 2016
New York, New York

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE